

Hon. Wayne D. Brazil (Ret.) (State Bar No. 65283)

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SPECIAL MASTER

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CISCO SYSTEMS, INC., et al.

Plaintiff,

vs.

PLANTRONICS, INC., et al.

Defendants.

CASE NO. 4:19-cv-07562-PJH

JAMS Reference No. 1100113090

**SECOND ORDER RE DISCOVERY
DISPUTES**

On February 24, 2022, the Special Master (Master) conducted a lengthy conference with counsel to discuss multiple pending disputes about discovery. Mr. Olsheski, Mr. Wilcox, Mr. Balcof, Mr. Speckhard, and Ms. Dang appeared for Plaintiff. Ms. Lowery, Mr. Dean, and Ms. Jayadevan appeared for Plantronics. Mr. Muller appeared for Mr. Chung.

Through counsel, Cisco reported that, with the exception of material related to damages, it has completed the production of documents that it has agreed to produce in response to the RFPs from Poly.

1 After considerable discussion, the Master issued ORDERS orally, some of which are
2 captured in this summary.

3
4 1. With respect to emails or other electronically stored documents or communications,
5 Poly must provide Cisco with a list of ESI search terms that it asks Cisco to use when
6 attempting to locate emails or communications that reflect or suggest any involvement in or
7 contributions by Dr. Chung, Mr. He, or Mr. Puorro to any of the disclosed trade secrets.

8 Poly must provide these proposed ESI search terms by March 4, 2022.

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10 2. By March 17, 2022, Cisco must deliver to Poly and to the Master a document in
11 which it separately:

12 a. Identifies the material in its Disclosure that it contends continues to enjoy
13 protection as a trade secret even after the commercial launch of any product that incorporates
14 the trade secret.

15 b. Identifies the material in its Disclosure that was a trade secret at the time of the
16 alleged misappropriations but that no longer enjoys protection as a trade secret.

17 c. Identifies proper nouns, elements, features or components of products, or
18 materials or parts of materials in its Disclosure that it does not contend constitute, standing
19 alone, protectable trade secrets.

20 d. For common or well known services, systems, products – or components or
21 features of products – describes how the well known feature, component, or product becomes
22 part of a trade secret, e.g., what is new and valuable about how that component, feature, or
23 product is unusually used in or integrated into a secret or set of secrets in Cisco's Disclosures.

24 3. By 4:00 p.m. on Tuesday, March 1, 2022, counsel for Poly must submit a letter to
25 Cisco and the Master that identifies any significant RFPs or interrogatories as to which there
26 remain *material* deficiencies in Cisco's responses.

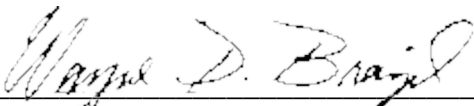
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28 4. By 4:00 p.m. on Thursday, March 3, 2022, counsel for Cisco must submit a letter to
Poly and the Master that is responsive to Poly's letter of March 1st.

1 After taking into account the information and argument in these letters, as well as
2 earlier briefing on Poly's discovery requests, the Master will issue rulings on any remaining
3 disputes arising out of Poly's RFPs and/or interrogatories.

4
5 5. By March 10, 2022, Cisco must produce unprivileged communications it sent to or
6 received from law enforcement agencies that relate to the misappropriations it alleges in this
7 case.

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9 IT IS SO ORDERED.

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11 Date: February 25, 2022.

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13 _____
14 Hon. Wayne D. Brazil (Ret.)
15 Discovery Special Master
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PROOF OF SERVICE BY E-Mail

Re: Cisco Systems, Inc., et al. vs. Plantronics, Inc., et al.
Reference No. 1100113090

I, Aimee Hwang, not a party to the within action, hereby declare that on February 25, 2022, I served the attached SECOND ORDER RE DISCOVERY DISPUTES on the parties in the within action by electronic mail at San Francisco, CALIFORNIA, addressed as follows:

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Cisco Technology, Inc.

I declare under penalty of perjury the foregoing to be true and correct. Executed at San Francisco,
CALIFORNIA on February 25, 2022.

A handwritten signature in blue ink, appearing to read "Aimee Hwang", is written over a horizontal line.

Aimee Hwang
JAMS
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